

CITY COUNCIL

Public Safety Committee

Monday, April 5, 2010 Agenda 5:00 p.m.

Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz

COMMITTEE OF THE WHOLE

5:00 pm

- I. Rental Housing New Ordinance Review (D. Kersely)
- II. Review BPL Revocation Ordinance (D. Kersley

PUBLIC SAFETY COMMITTEE

6:00 pm

- **IV.** Special Event Permit Ordinance (redraft attached)
- V. Codes Ticketing System Ordinance (W. Heim)
- VI. Property Insurance Requirement Commercial Bldgs
 - a. Property Insurance for Commercial Properties above X Square Feet
 - b. Requiring properties without insurance to pay the Emergency Escrow Fee
- VII. Ordinance Banning the Use of Cell Phones While Operating Motor Vehicles

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Public Safety Goals

- **Goal 1: Coordination of Police, Codes and Zoning Services**
- **Goal 2: Support Problem Oriented Policing**
- Goal 3: Surveillance Camera Project underway
- Goal 4: Support Consolidation of Fire Departments underway
- Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) *underway*
- **Goal 6: Support Health and Safety Review Ordinances**
- **Goal 7: Support Cops and Codes Sweeps**
- Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances complete
- Goal 9: Support Implementation of Sidewalk Vendor Ordinance -complete
- Goal 10: Support Public Safety at City Schools



CITY COUNCIL

Public Safety Committee

Monday, March 1, 2010 5:30 p.m.

Committee Members Attending: D. Sterner, Chair, M. Goodman-Hinnershitz, J. Waltman

Others Attending: M. Talbot, D. Kersley, L. Kelleher, C. Younger, D. Cituk, C. Geffken

Rental Housing Audit

Mr. Kersley, Business Analyst, described his work on the HPO (High Performance Organization) process to identify the breaks in the housing permit process. The Audit Report was distributed to the members of Council on Monday, February 22nd. He described locating several snafus in the work flow used to address the implementation of the housing permit process started in 2007. He gave some examples of the issues he uncovered.

Mr. McMahon and Mr. Hottenstein arrived.

Mr. Kersley stated that an HPO Team (Mr. Reinhart, Ms. Oehler, Ms. Mayfield, Ms. Kelleher and Mr. Kersley) has been organized to correct the breaks in the housing permit process. He stated that the properties approved through the AHO (Administrative Hearing Officer) process were audited by Mr. Cituk and Mr. Kersley.

Mr. McMahon left the meeting.

The audit showed that 45% of the 286 sample set properties approved did not meet the AHO Criteria; however, 95% of those properties were inspected within the last 5 years. He explained that 191 single family rental properties and 174 multifamily rental properties received zoning for rental use but did not remit the required fee. Enforcement letters have been mailed requiring payment within 30 days.

Mr. Kersley explained that there is a backlog of approximately 500+ multifamily rental properties that have been on hold in the Codes Office since September 2009, due to limited clerical staff support. He explained that the AHO process will be abandoned; however, he suggested the

recreation of a new process to assist with the backlog. He explained that without some recreated process, these properties will either require a Special Exception hearing before the Zoning Hearing Board or a Conditional Use Hearing before City Council. He stated that both bodies will be unable to handle the backlog without some assistance. He suggested that Council consider a new ordinance that will outline the new process and accompanying work flow.

Mr. Cituk noted his surprise with the audit results and agreed with the need to define a new method for an expedited approach to clear the backlog.

Mr. McMahon returned to the meeting.

Mr. Kersley stated that the HPO Team is currently developing recommendations for Council to review such as a streamlined approach to handle the zoning and codes components that will be approved by the Zoning Hearing Board after the Auditor certifies that the properties meet the criteria. He stated that the HPO Team is working to define a careful, well thought out process.

Mr. Spencer recalled that the Administration asked Council to refine the criteria about a year ago.

Mr. Waltman stressed the need for all rental properties to have zoning. He also noted that providing zoning is a serious and long lasting privilege that must be handled carefully.

Mr. Kersley stated that approximately 2500 properties went through the AHO process and most obtained zoning without meeting the required criteria. He expressed the belief that the housing permit process must begin with zoning approval. He noted the reality that the City improperly gave zoning permits to many properties approved through the AHO process. Mr. Cituk agreed and noted the need for certification that the property meets the criteria before the property is forwarded for expedited approval.

Mr. Kersley explained the HPO Team's work to review the old AHO process while developing a new process that will address applications, their handoffs and work flow process. He suggested that staff be reassigned to handle the workflow rather than adjusting the workflow to fit the capability of staff. He noted the lack of proper follow through when properties are placarded. He added that there is currently no strategy in place to handle all the varying issues that pop up.

Mr. Sterner thanked Mr. Kersley for his work to audit this area and stated that this new housing permit process was developed three (3) years ago in consultation with the Administration, realtors and investors. He stated that as the process was developed, the Administration assured Council that they could successfully undertake the new process. He also stated that Council has heard regular monthly updates from the Administration that were misleading and false as they reported that backlogs did not exist and that staff was handling the workflow properly. He stated that today, for the first time, Council is hearing that the process was mismanaged and is still stuck on square one. He stated that he has repeatedly asked the Administration to build a proper database on all City properties that can tell staff everything about the property.

Ms. Goodman-Hinnershitz also congratulated Mr. Kersley on his work to audit the housing permit process. She noted the need to use this report as a benchmark to move forward. She described the proper handling of an illegal rental in her neighborhood. She stated that the two (2) placarded properties in her neighborhood speaks volumes about the seriousness of the situation.

Mr. Spencer inquired if there is any recourse for the properties that were given zoning improperly. Mr. Younger stated that he needed to research and respond later.

Mr. Cituk questioned the City's ability to handle the sheer volume of rental properties annually.

Mr. Waltman expressed the belief that the Administration mismanaged this high priority issue. He questioned the existence of accountability and responsibility when handling this and other similar issues. He stated that without accountability and responsibility the Administration will continue to mismanage issues and processes will continue to falter.

Mr. Sterner agreed with the need to make management accountable and responsible when performing their duties. He inquired if the Public Safety Committee would like to participate in the development of the new criteria and process. Ms. Kelleher suggested that the Public Safety Committee review and refine the criteria developed through the HPO process. Mr. Kersley expressed the belief that the HPO Team is very close to developing a solution to the housing permit issue. He added that the new process will contain improved accountability and responsibility.

Mr. Spencer noted the need for the Administration to develop consistency when handling the housing issue.

Mr. Sterner questioned the Administration's progress on handling the 2008-2009 rental registration billing. Mr. Geffken stated that the handling of this process was successful. He added that the rental registration billing for 2010 will be billed out around mid-year.

Mr. Waltman noted the need to begin the billing process for this and many other programs during the first quarter of the year. Mr. Hottenstein stated that the Administration is working to correct various billing practices.

Temporary Sign Ordinance

Ms. Kelleher stated that Deputy Chief Talbot researched if posting advertisements on utility poles, etc. is illegal in the Crimes Code. He also reached out to colleagues in Allentown concerning the effectiveness of this ordinance which requires permits to post signs on utility poles. She stated that the amended draft ordinance prohibits the placement of advertisements and signs on utility poles, traffic signals, etc.

Deputy Chief Talbot stated that posting signs on utility poles is prohibited by the Crimes Code. He also stated that this is not an issue in Allentown. He stated that Reading's current staffing levels in the Police Department cannot handle added enforcement responsibility.

Mr. Sterner questioned the need for a change in these regulations. Ms. Kelleher explained that the enactment of this ordinance will provide a tool for police, codes and zoning. She also explained that the Council Office receives calls many times per year from large advertising companies inquiring about the City's sign regulations. She expressed the belief that if we had an enforceable ordinance on the books, companies would stop posting signs.

Deputy Chief Talbot agreed that the new ordinance would provide an available tool.

Mr. Spencer inquired about the ability of City staff to remove the signs. Mr. Younger stated that he believes that any public official or employee can remove illegally posted signs.

The Committee asked Ms. Kelleher to add reference to the Crimes Code to the ordinance. They agreed that this ordinance would be used as a tool and agreed with isolated enforcement after the draft ordinance is enacted. They asked Ms. Kelleher to have the ordinance ready for introduction at the March 8th meeting.

Mr. Waltman asked that the fines be adjusted upwards. The Committee agreed to a \$300 minimum for the first sign and additional \$50 per posted sign up to a \$1,000 maximum.

Codes Ticketing

Ms. Kelleher stated that Chief Heim was to present the draft ordinance at this meeting. As he is on vacation this again needs to be deferred.

Special Event Ordinance

Ms. Kelleher stated that at the last meeting the Committee questioned the meaning of the various fonts used in the draft ordinance. Ms. Kelleher explained that this was only a formatting problem, which has been corrected. She stated that all language in bold italics is new and imported from the Texas ordinance.

The Committee suggested further discussion at the March work session.

Vacant Property Registration

Mr. Hottenstein stated that although vacant properties incur excessive staff costs, Codes cannot handle the vacant property registration process at this time. He stated that he spoke with the Fire Chief and Fire Marshall about handling registration of vacant properties above a specific square foot ratio; however, both the Fire Chief and Fire Marshall believe that they cannot take on the registration process.

Mr. Hottenstein stated that the Administration cannot afford to expend resources to identify and locate the owners of vacant properties. He also said that the Administration cannot begin to mandate the installation of sprinkler systems in vacant buildings, unless the property becomes occupied. He described the current citation process to address the maintenance issues at vacant properties.

Mr. Waltman suggested requiring that vacant properties obtain property insurance. He noted that various tragic fires have occurred in vacant warehouses all over Reading. He reminded everyone that there were two devastating fires at two vacant warehouses on McKnight Street. He noted the need to address these public safety issues. Mr. Spencer agreed and added that residential properties located beside non-insured vacant properties are forced to over pay for property insurance or cannot obtain insurance at all, which leaves them unfairly exposed.

Mr. Sterner also noted the problem that non-insured properties do not pay the fire escrow charge and leave the City liable for the cost of demolition. He stated that the City has not been successful at recovering demolition costs by liening the cost of demolition against the subject property. He inquired if a lien on the owner's personal property could occur.

Mr. Younger stated that he is unsure if the City can require property insurance. Ms. Kelleher stated that during HPO meetings on the housing permit process Ms. Mayfield has repeatedly said that she has not seen anything that prohibits the City from requiring property insurance.

Mr. Waltman and Mr. Sterner inquired if the City could make properties without property insurance personally pay the fire escrow charge.

The group discussed the need to creatively strengthen the City's requirements for vacant properties.

Mr. Hottenstein expressed the belief that through Mr. Olsen and Ms. Kelleher's work with the Blighted Property Review Commission the City is handling blighted vacant properties properly.

Mr. Younger described the process used by the Police to inform Codes about the condition of vacant properties when they respond to calls. He also added that the Fire Department has a data base of vacant properties and their layout.

Mr. Waltman stated that although Codes has been operating at optimal manpower levels, they have not handled their various duties well. He noted the need for Codes managers to build end to end solutions that receive the proper legal support. Mr. Sterner agreed that poor performance and decision making in the Codes Division has not been handled well.

The Public Safety Committee adjourned at 7:26 p.m.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

- Codes Ticketing Ordinance Review W. Heim April
- Update Rental Registration/Permit Process
- Requiring vacant properties to obtain property insurance

BILL NO._____-2009 AN ORDINANCE

Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades by renaming Part 12 Parades, Special Events and Public Gatherings and amending as attached

SECTION 1. City Council wishes to establish a standard process for permitting Special Events by the public and private sector using City Streets, facilities, or services. It is recognized that Special Events provide benefits to the City of Reading through the creation of unique venues for expression and entertainment. However, certain Special Events, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety, and welfare. In order to plan for these demands on public resources and to ensure that the public health and safety of its citizens is protected, the City of Reading must receive advance notice of any Special Events that are to occur within its boundaries. The provisions of this Ordinance are intended to address those concerns and are not intended to place an unreasonable burden on individuals' rights of association or freedom of expression. It is the intent of the Reading City Council to protect the rights of its citizens to engage in free speech activities, yet allow for the least restrictive and reasonable regulation of time, place, and manner of those activities within the overall context of rationally regulating Special Events that have an impact on public facilities and services.

SECTION 2. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 as attached

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

		Enacted		, 2009
Attest:			President of Council	
Allesi.				
	City Clerk			

(Police Chief/Council Staff)

Submitted to Mayor:	
Date:	
Received by the Mayor's Office:	
Date:	
Approved by Mayor:	
Date:	
Vetoed by Mayor:	
Date [,]	

PART 12

PARADES, SPECIAL EVENTS, AND PUBLIC GATHERINGS

§15-1201. Short Title.

This Part shall be known and cited as the "Parade *and Special Events"* Ordinance of the City of Reading, Pennsylvania."

§15-1202. Definitions.

APPLICANT - a person who has filed a written Application for a Special Event Permit

CHIEF OF POLICE - the Chief of Police of the City of Reading, Pennsylvania

CITY - the City of Reading, Pennsylvania

COMMUNTY EVENT SITE RESERVATION - means a temporary event, gathering, or organized activity on any City Street, public property, or in any City park, building, or other facility, when use of a site is desired by a community or group of citizens but no disruption of other citizen's passage occurs or any use of city services is needed.

Neighborhood groups requesting block parties may request the use of city barricades for a fee. Site Reservation Permit must be filed within 30 days of the planned event.

Examples of Site Reservation activities are small gathering of person distributing information and/or literature on advocacy, political, religious, or other topics while exercising the rights of free speech and peaceful assembly.

COMMUNTY EVENT SITE RESERVATION PERMIT - written, signed authorization to hold a site reservation shall be on an abbreviated application form and issued by the Reading Police Department and approved by Reading's Risk and Safety Coordinator, and the City Solicitor.

PARADE - any parade, march or procession of any kind in or upon any street or public park within the City

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind

SIDEWALK - that portion of a Street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians

SPECIAL EVENT - means a temporary event, gathering, or organized activity on any City Street, public property, or private property, or in any City park, building, or other facility, when an organized activity is conducted involving one (1) or more of the following factors:

- 1. Closing of a public Street, Sidewalk, or alleyway;
- 2. Blocking or restricting public property;
- 3. Blocking or restricting access to private property of others;
- 4. Use of pyrotechnics or special effects;
- 5. Use of open flame, explosions, or other potentially dangerous displays or actions;
- 6. Use or display of animals, aircraft, or watercraft;
- 7. Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;
- 8. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property; or on private property where otherwise prohibited by Ordinance;
- 9. Placement of portable toilets on public property; or on private property where otherwise prohibited by Ordinance;
- 10. Placement of "No Parking" signs or barricades in a public right-of-way;
- 11. Amplification of music, voices, sounds, or activities that require a noise permit;
- 12. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities, or public safety services in response thereto;
- 13. Examples of Special Events include but are not limited to: Concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, block parties, community events, marathons and other running events, bicycle races and tours, football games, basketball games, baseball games, golf tournaments, boat races, and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community promotion, or charity.
- 14. The Police Department Traffic Unit shall determine if a Special Event Permit is required.

SPECIAL EVENT PERMIT - written, signed authorization to hold a Special Event issued by the Reading Police Department and approved by Reading's Risk and Safety Coordinator, the City Solicitor, the Public Works Director, and the Fire and Police Chief

SPECIAL EVENT VENUE - that area for which a Special Event Permit has been issued

STREET - the entire width between the boundary lines of every publicly-maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic

§15-1203. Permit Required.

1. Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a Special Event or Community Event Site Reservation activity until an applicable permit has been issued by the City of Reading

Exceptions. This Part shall not apply to:

- A. Funeral processions by a licensed mortuary.
- B. House moving and construction activities
- C. Activities of a governmental agency acting within the scope of its authority
- D. Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed.
- E. A governmental agency acting within the scope of its functions.
- F. Students traveling to and from classes or participating in school district sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities.

§15-1204. Application.

An individual requiring a Special Event Permit shall pick up and submit a completed Application for a Special Event Permit at the City's Police Department Traffic Office. Each Applicant shall be required to pay a Processing Fee and a Security Deposit Fee, neither of which will be waived, as specified in Exhibit B: Fee Schedule. A copy of the receipt from the city's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

A <u>Special Event Permit</u> shall be submitted to the City at least sixty (60) days (two [2] months) but no more than one hundred eighty (180) days (six [6] months) prior to the date proposed for the Special Event. The Mayor, where good cause is shown, may, but is not required to, consider an Application filed less than sixty (60) days prior to the proposed date of said event or activity only if all requirements for the permit can be met.

A <u>Community Event Site Reservation Permit</u> is an abbreviated application and is free of charge and without need for a security deposit, except for a fee for Block Parties and the use of city barricades, and must be filed within 30 days of the planned event.

Filing Period. An application for a special event permit shall be filed with the Chief of Police not less than 60 days before the date on which it is proposed to conduct the parade or special event. A Community Event Site Reservation Permit must be filed within 30 days of the planned event. The application shall be signed by the applicant or its authorized agent.

Contents. The application for a special event permit shall set forth the following information:

- A. The name, address and daytime telephone number, fax, cell phone number, and email address of the person seeking to conduct such event.
- B. If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- C. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.
 - D. The location of the event.
 - E. The purpose of the event.
 - F. The date, days, and times when the event is to be conducted.
 - G. The setup, tear-down, and cleanup dates and times.
 - H. The route to be traveled, the starting point and the termination point for parades.
 - I. The approximate number of persons who, and animals and vehicles which, will constitute the parade; the type of animals and description of vehicles.
 - J. The hours, when such event will start and terminate.
 - K. A statement as to whether the event will occupy all or only a portion of the width of the streets proposed.

- L. The location by streets of any assembly areas for such event.
- M. Maps detailing proposed site locations and/or routes along with written descriptions of the following:
 - a. Amplification Devices: Types used and for what purposes.
 - b. Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.
 - c. Emergency Medical Stations: First aid or emergency medical services based on Special Event risk factors, as determined by the City Manager or City Manager's designee.
 - d. Equipment: Types of equipment used to service Special Event and/or to be showcased in the event.
 - e. Fire Lanes: Contingency plan for access by fire-fighting and emergency medical vehicles, equipment, and personnel.
 - f. Fireworks or Pyrotechnic Displays: Amount, type, and fire safety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.
 - g. Litter Control: Number, size, and location of trash receptacles, as well as trash removal and disposal.
 - h. Parade, Race, Other Similar Activities: Including but not limited to marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc. Show start and finish locations.
 - i. Portable Toilets: The number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be ADA accessible.

j.	Signage: dimension		n-site and	d off-site	signage,	including	quantity

- k. Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the Streets, Sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.
- I. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies.
 - (a) If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant.
- m. Vendors: List each vendor, including products and services offered. Pennsylvania law requires valid tax ID number for each vendor.
- n. Vehicles: Types of vehicles used to support services to the Special Event and/or to be showcased in the event.
- N. Admission Fees: The cost of admission, if any, and whether the event is a public or private event.

O. Alcoholic Beverages:

- a. Conditions and restrictions on the use of alcoholic beverages.
- b. Submit a list all vendors who will be providing alcohol, along with copies of their TABC certificates.

Note: Alcoholic Beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the city and in compliance with the PLCB.

P. Animals: A description of the types of animals anticipated to be part of the Special Event, if any. Refer to the Animal Control Ordinance for requirements for proper control and handling of animals and animal waste during Special Events.

Special Events applications including the use of animals will be reviewed by the Animal Control Agency.

Q. Attendance:

- a. The approximate number of persons who will be attending the Special Event each day for the duration of the Special Event Permit.
- b. The approximate number of persons who will participate in the event as volunteers or workers.

Note: The PA Department of Health requires an ambulance on standby at the event for all events expecting 5,000 or more people.

- R. Insurance: Proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00), naming the City of Reading as additional insured. Also, include additional affected entities, i.e., BEDC.
- S. Miscellaneous: Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed Special Event activity, as well as any other information required by the Police Traffic Office.
- T. Water/Wastewater: If applicable, a plan for the disposal of waste water, including capture and containment, which plan shall be approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.
- U. Liability insurance covering the City for any claim or claims by any persons or entities arising out of the conducting of said parades or special events shall be required as a condition to granting the applications with respect to those parades or special events which considering the nature thereof, and the activities involved, in the discretion of Chief of Police, on the recommendation of the Safety and Risk Manager of the City, require insurance in such amounts as the Chief of Police shall determine on the advice of the Safety and Risk Manager of the City.
- V. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

Late Applications. The Chief of Police, where good cause is shown therefore, shall have the authority to consider any application hereunder which s filed less than 60 days before the date of such special event is proposed to be conducted.

§15-1205. Fees, Time Limit, and Cost

Fees. Due and payable at the time of filing Application. A copy of the receipt from the city's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

- 1. Processing Fee will NOT be waived:
 - a) With proof of non-profit status (i.e., document of incorporation or, 501-C status): One hundred dollars (\$100.00).
 - b) All others: Three hundred dollars (\$300.00).
 - c) For Community Special Event Site Registration Block Parties requiring barricades: Fifty dollars (\$50.00).
 - d) If the event is cancelled or not held after the permit has been issued by the city, the processing fee will be refunded, minus a \$50 administrative processing fee.

2. Security Deposit will NOT be waived:

- a. Five hundred dollars (\$500.00).
- b. Refundable if the location of the Special Event is clean and free of litter and damage and city services costs are paid.
- c. The Security Deposit must be paid with a separate check so that it can be placed in escrow for easy return if applicable.

3. Use of City Personnel Resources for Event:

- a. Fire and EMS, Police, and Public Works will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular city operations.
- b. Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.
- c. Cost estimates will be provided to the Applicant at least 14 days prior to the event. Estimated city services that will cost above \$500 require one-half payment seven days before the event. Failure of the permit holder to reimburse the city for services will result in the costs being taken from the security deposit and undertake collection procedures.

d Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the director of Finance or the City Managing Director.

§15-1206. Time Limit for Filing and Changes.

A timely Application for Special Event Permit shall be filed no less than sixty (60) days and no more than one hundred and eighty (180) days prior to the date on which the proposed Special Event shall occur.

The Mayor, where good cause is shown, may, but is not required to, consider an Application filed less than sixty (60) days (two [2] months) prior to the proposed date of said event or activity.

Any proposed changes to the Application prior to the date of the event must be approved by the Police Department with possible consultation with Public Works, Fire, Risk and Safety and the City Solicitor.

§15-1207. Date of Special Event Not Confirmed Until Permit Issued

Notwithstanding the Police Traffic Unit's acceptance of a completed Application, no date for a Special Event shall be considered confirmed until an Applicant has fully complied with all necessary requirements and the Special Event Permit has been approved and issued by the City of Reading. If an Application for a Special Event has been submitted for a specific date but is waiting for approval, no other Application can be accepted for that same date until a decision on the first Special Event Application has been made.

Certain annual Special Events have a "standing tentative reserved date," such as the Holiday Parade and the Labor Day Parade. These dates will be honored providing the Applicant submits the Special Event Permit Application in accordance with this Ordinance.

To avoid double-booking a City facility, the person responsible for City facilities should be notified immediately of the proposed date and event so that the venue can be tentatively reserved for said date.

§15-1208. Conditions for Issuance of a Special Event Permit

The City of Reading Police Traffic Office may issue a Special Event Permit when:

- An Application is successfully completed and filed in accordance with this ordinance;
 and
- 2. All of the following conditions are satisfied:

- a. The Special Event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.
- b. The Special Event will not require the diversion of police officers, fire department personnel or other department employees so as to significantly impact the City department's ability to respond appropriately to regular City duty throughout the remainder of the community.
- c. The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
- d. The Special Event is not being conducted for an unlawful purpose, nor will it violate any Ordinance of the City or any other applicable law.
- e. The Special Event will not substantially interfere with any other Special Event for which a Special Event Permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.
- f. The Special Event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.
- g. All sponsor(s), participants, and attendees at special events are subject to all laws, ordinances, and regulations not specifically exempted by the special event permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a special event that becomes disorderly or hazardous.

§15-1209. Denial or Revocation of a Special Event Permit

The Police Department Traffic Office, in consultation with the City Mayor or Managing Director, may deny or revoke a Special Event Permit Application if the Applicant fails to satisfy or violates any of the requirements set forth in this ordinance; or

- 1. The Applicant has made or permitted the making of a false or misleading statement or omission of material fact on the Special Event Permit Application; or
- 2. The Applicant has violated this Ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months.
- 3. The Applicant violates or has violated within the past twelve (12) months another City Ordinance or State law

§15-1210. Notice of Decision

If the Application is rejected, the Police Department Traffic Office shall provide by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the Applicant within ten (10) business days after the date upon which the Application was filed, a notice of its action, stating the facts and conclusions which are the basis for the denial of the Permit.

§15-1211. Street Activity and Route Restrictions

Special Events shall comply with the following restrictions. The Police Department and/or City Managing Director may alter the time restrictions stated herein upon review of the Special Event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties.

- 1. Special Events held on public property within the City limits or on a publicly maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.
- 2. Special Events held primarily in a residential area may begin staging (setting up) at 10:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.
- 3. Special Events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and/or the Managing Director for the duration of the Special Event and at the expense of the Applicant.
- 4. Noise levels for such Special Events shall not exceed maximum permissible sound levels in accordance with City noise Ordinance. This includes but is not limited to air horns and other horn blowing apparatus, whistles, and amplified music, speech, and other sounds.
- 5. Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc. during Special Event parades is strictly prohibited. However, such items may be handed to individuals curbside.
- 6. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

§15-1212. Temporary Signs for Special Events

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Public Works Department. In case of conflict with the City's sign regulations in the Code of Ordinances, the City's sign Ordinance shall control.

All Special Event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within twenty-four (24) hours of the completion of the Special Event. A Special Event sign not removed in compliance with this section may be removed by the City at the expense of the Applicant to include costs incurred by the City for removal of same. If a Special Event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the Applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the Applicant or sign owner related to same. All banners not picked up by the Applicant or designee within one (1) week after completion of said Special Event, may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.

§15-1213. Appeal Procedure.

Any person aggrieved by the action of the Chief of Police shall have the right to have the action of the Chief of Police reviewed by the Mayor of the City upon written request to the Mayor delivered by registered mail at the Mayor's office. The Mayor shall thereupon review the action of the Chief of Police and the reasons for his action and notify the aggrieved party by mail within 10 days of the receipt of the appeal of his action thereon.

Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the aggrieved party. Failure to issue a permit within 3 days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§15-1214. Alternative Permit.

The Chief of Police in denying an application for a special event permit shall be empowered to authorize the conduct of the special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 5 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate special event permit shall conform to the requirements of, and shall have the effect of a special event permit under this Part.

§15-1215. Notice to City and Other Officials.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor.
- B. The City Solicitor.
- C. The Fire Chief.

§15-1216. Duties of Permittee.

A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.

Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§15-1217. Public Conduct During Special Event.

Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any special event or with any person, vehicle or animal participating or used in a special event.

Driving Through Events. No driver of any vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as a special event.

Parking on Special Event Routes. The Chief of Police, Police Traffic Supervisor, City Managing Director or designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event.

§15-1218. Inspections

Amusement rides and/or attractions associated with Special Events shall conform to statutory rules and regulations set forth in the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the City limits and verified by authorized City personnel. Amusement rides in enclosed areas greater than one thousand (1,000) square feet are required to be "fire-sprinkler-ready" with an external Fire Department connection (FDC) and be inspected by the Fire Marshal's office.

All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant. And shall be inspected by the Fire Marshal's office.

Special electrical and water/wastewater needs must be inspected prior to the event.

§15-1219. Animal Waste

Refer to the Animal Control Ordinance for requirements related to Special Event activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

§15-1220. Insurance Required to Conduct Special Event

An Applicant for a Special Event must provide proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) to protect the City against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the Special Event. Such insurance shall name the City of Reading, its officers, employees, agents, and, if required, any other public entity involved in the Special Event, as additional insured on a separate endorsement maintained for the duration of the Special Event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Reading by the carrier and the Applicant.

The insurance required shall encompass all liability insurance requirements imposed for other permits required under other sections of this Ordinance and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

The insurance required must be submitted to the Police Traffic Office no later than two (2) weeks prior to the event. Before this time, a letter of intent to insure from the event's insurance agency must be on file with the Application that states the City of Reading will be additionally insured. Failure to provide the insurance or the letter of intent for insurance could result in the denial/revocation of the Special Event Permit.

§15-1221. Indemnification

The Applicant for a Special Event Permit shall indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

§15-1222. Conditions for Premises After the Special Event

The Applicant is required to bring the premises back to the same or better condition; and failure to comply, will result in no future events to be held by the Applicant or organization.

§15-1223. Revocation of Permit.

The Chief of Police shall have the authority to revoke a special event permit issued hereunder upon violation of the standards for issuance as herein set forth.

§15-1224. Penalties.

1. It shall be unlawful for any person to stage, present, or conduct or attempting to stage, present or conduct an event without first having obtained a permit therefore as herein provided or who shall otherwise violate any of the provisions of this Part.

.

§15-1225. Penalty for Violations of Ordinance

A person commits a summary offense if he/she:

- 1. Knowingly commences or holds a Special Event without a Special Event Permit or with a permit that has expired or has been revoked; or
- 2. Knowingly violates any terms or provisions of this Ordinance; or
- 3. Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.
- 4. This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in the City of Reading Code of Ordinances.
- 5. The penalty upon conviction of any violation of this section is \$500.00

§15-1226. Fee Schedule

Fees for All Special Events				
Processing Fee with proof of non-profit status				
Processing Fee for all others	\$300.00			
This fee will <u>not</u> be waived.				
Due at time of filing Application.				
Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post				
Office.				
Fee for cancelled events	\$50.00			
Security Deposit for damages/cleanup	\$500.00			
This fee will <u>not</u> be waived.				
Due at time of filing Application. Pay at Treasurer's Office				
Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post				
Office.				

Inspection Fee required for amusement rides, temporary structures, and special	\$50.00
electrical and water/wastewater needs	
Applicant is responsible for fee.	
This fee will <u>not</u> be waived.	
Due at time of filing Application.	
Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post	
Office.	
Re-inspection Fee required for above-described items	\$75.00
This fee will <u>not</u> be waived.	
Due at time of filing Application.	
Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post	
Office.	

Fees Include the Following Services Where Applicable		
Administrative time		
Ant and mosquito spraying as needed		
Banner Permit		
Bathrooms cleaned and stocked with paper products		
Mowing and other preparations		
Street closures with placement of cones and barricades		
Traffic, Crowd, and/or parking control		
Trash receptacles and disposal of contents		
Other:		

NOTE:

If damages or cleanup fees exceed the \$500.00 Security Deposit Fee, the Applicant is responsible for procuring payment of said incurred costs. The applicant is responsible for payment of said incurred costs.

If additional costs are incurred during the production of a Special Event, such as the rental of rugs, equipment, etc., the Applicant is responsible for payment of said incurred costs. Invoice(s) will be sent to Applicant upon receipt of same.

AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC BY ADDING A NEW PART 14 PROHIBITING THE USE OF HANDHELD MOBILE TELEPHONE BY A PERSON OPERATING A MOTOR VEHICLE OR OTHER VEHICLE ON A CITY STREET.

WHEREAS, mobile telephone usage has continued to increase in popularity in the United States. Studies show:

- Mobile phone usage while driving increases the likelihood of a crash fourfold;
- Drivers operating motor vehicles while using a mobile phone are as impaired as drivers with a 0.08 percent blood alcohol level the level that defines drunk driving in most states;
- The act of dialing a mobile phone is the most dangerous part of making a mobile phone call while operating a motor vehicle;
- The cost of crashes caused by mobile phone usage while operating a motor vehicle is estimated a \$43 billion annually.

WHEREAS, text messaging, instant messaging, web browsing, and other mobile telephone technologies are becoming increasingly popular and present an additional danger to motor vehicle operators. Studies show:

- The use of text messages has increased over 1,000 percent from June 2005 to June 2007;
- Today, Americans send and receive more text messages per month than phone calls;
- The use of mobile telephones while operating a motor vehicle, skateboard, inline skates or bicycle poses a great risk to the health, safety and welfare of the operator of those vehicles, as well as pedestrians;
- Requiring the use of hands free devices for mobile phones while operating a vehicle within the City of Reading is necessary to protect the health, safety, and welfare of the citizens of Reading.

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic by adding a new Part 14 Prohibiting the Use of a Handheld Mobile Telephone by a Person Operating a Motor Vehicle or other Vehicle on a City Street under certain terms and conditions as below:

Failure to use a hands free device for a mobile telephone while operating a vehicle within the City of Reading shall constitute a violation of the City of Reading Codified Ordinances.

§14-101. Definitions.

1. "Hands Free Device" shall mean an external device that connects to a mobile telephone or wireless communication device that allows the user to engage in a call without touching the user's telephone or wireless communication device.

- 2. "Street" shall mean a right of way dedicated to the public for the movement of traffic with space for utilities and proving access to abutting properties.
- 3. "On-board Communications Device" shall mean a communications system or device that is hard-wired into the motor vehicle.

§14-102. Prohibited Conduct

No person shall use a mobile telephone or wireless communication device in any way, including for voice communication, message or emailing:

- a. While operating a motor vehicle on any Street within the City;
- b. While using a skateboard, scooter, inline skates, or bicycling on any Street within the City.

§14-103. Exceptions to Prohibited Conduct

- a. Persons using a hands-free device for voice communication provided that such person does not touch the mobile telephone or wireless communication device connected to such hands-free device while operating or using the vehicle, except as permitted under subsection (c).
- b. Persons using a mobile telephone for voice communication to call "911" in an emergency, or to report a traffic accident or unsafe driving by another motorist.
- c. Persons using a mobile telephone or wireless communication device while maintaining a motor vehicle in a stationary position in a parking lane or space out of moving traffic lanes, and not in gear.
- d. Persons using any communications device for non-personal communication in the course of ordinary business in their employment with a City, State, or Federal agency or authority.

§14-104. Penalties

Any person convicted of violating this article shall be guilty of a Summary Offense, and shall be subject to fine of not less than \$150 nor more than \$300.

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

SECTION 3. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

	President of Council
Attest:	
City Clerk	
(Reed & Council Staff)	
Submitted to Mayor: Date:	
Received by the Mayor's Office: Date:	
Approved by Mayor: Date:	
Vetoed by Mayor: Date:	

Enacted ______, 2010